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September 8, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

RE: Ex Parte Presentation of
The Coalition of Wireless Microphone Users
in WT Dockets Nos. 08-166 and 08-167 and
in ET Dockets Nos. 04-186 and 02-380

Dear Ms. Dortch:

On September 8, 2010, the undersigned, along with Thomas S. Ferrugia, Director of Government Relations for the Broadway League; Heidi Mathis, Corporate Relations Manager for the Shubert Organization; Ginny Louloudes, President of the Alliance of Resident Theatres / New York; Drew K. Cole of Quinn Gillespie and Associates; and Antoinette Cook Bush of this firm, on behalf of the Coalition of Wireless Microphone Users ("CWMU"),¹ met with Commissioner Mignon Clyburn and her legal advisor, Louis Peraertz.

We discussed the availability to CWMU members of TV Band frequencies set aside specifically for wireless microphones and of other TV channels that would not be usable by new "White Space Devices." We discussed further the ability of wireless microphone users to register uses in the TV Band database to be

¹ CWMU is an informal organization of entities that use wireless microphones and communications devices (including, e.g., IFBs and IEMs) in the provision of services to the public (including theatrical productions, church services, and sporting events). Members of CWMU include The Broadway League; The Shubert Organization; Theatre Communications Group, Inc.; The Alliance of Resident Theatres/New York, Inc.; The Educational Theatre Association; League of Off-Broadway Theaters and Producers, Inc.; League of Resident Theatres; the John F. Kennedy Center for the Performing Arts, the African Methodist Episcopal Church; Sports Video Group, LLC; National Football League, National Hockey League, Major League Baseball; ESPN, Inc.; and News Corporation.

developed and operated under the Commission's supervision. CWMU representatives expressed their continuing concerns that as long as their equipment is unlicensed and regulated under Part 15 of the Commission's rules, they would potentially be subject to interference from other radio frequency devices.² Interference with wireless microphones would be devastating to the audience's appreciation of a theatrical presentation, a sports event, or a religious service. Interference with cue and control devices during a production with moving set elements could easily endanger life and property. Accordingly, CWMU members continue to seek eligibility for licenses under Part 74 of the Commission's rules. Additionally, in the event that a White Space Device were to cause interference with an event properly registered in the database, it would be in the public interest to have an immediately accessible remedy, such as the capability to terminate the use of White Space Devices within 400 meters until the source of the interference is located.

CWMU representatives cautioned about the process by which White Space Devices would check with the database to confirm the availability of free channels for their use. These check-ins would apparently be performed only once every twenty four hours and would only account for uses of the frequencies at the time of the check-in, thus missing database entries for scheduled uses later in the same day. Certain White Space Devices may also be able to operate for as long as 48 hours without successful database check-ins. These problems could be corrected by a requirement that White Spaces Devices have memories that would store database entries for 48 hours in the future or for a requirement that they check-in more frequently, such as every few minutes.

While CWMU is not opposed to the proposed separation requirement of 400 meters between low-power White Space Devices and database-registered wireless microphones, we understand that portable devices will need to check-in any time they move more than 100 meters, yet under the current rules, geolocation and reported coordinates of the devices need to be accurate only to plus or minus 50 meters. Current consumer technology enables much more accuracy than this and, given the reduced separation radius, the accuracy of White Space Devices should be increased.³

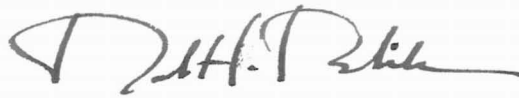
² See, e.g., 47 C.F.R. § 15.5.

³ See, e.g. U.S. Department of Defense, "Global Positioning System Standard Positioning Service Performance Standard," 4th Edition, September 2008, available at <http://pnt.gov/public/docs/2008/spgps2008.pdf>.

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CWMU members appreciate the efforts of the Commission to develop rules and procedures that will protect incumbent wireless microphone users in their provision of services to the public.

Sincerely,

A handwritten signature in black ink, appearing to read "D.H. Pawlik", with a long horizontal flourish extending to the right.

David H. Pawlik
Counsel to
The Coalition of Wireless Microphone Users

cc: Commissioner Clyburn
Louis Peraertz
Chairman Genachowski
Commissioner Copps
Commissioner McDowell
Commissioner Baker
Rick Kaplan
John Giusti
Angela Giancarlo
Charles Mathias